

No. 11(112)-80-3-Lab./7983.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Sartaj Industries, Link Road, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 94 of 1980

between

SHRI BAJRANGI PARSHAD, WORKMAN AND THE MANAGEMENT OF M/S. SARTAJ
INDUSTRIES, LINK ROAD, FARIDABAD

Present :—

Shri P.K. De, for the workman.

Shri A.J.S. Chadha, for the management.

AWARD

1. By order No. FD/86-78/12249, dated 16th March, 1979, the Governor of Haryana referred the following dispute between the management of M/s. Sartaj Industries, Link Road, Faridabad and its workman Shri Bajrang Parshad, to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Bajrangi Parshad was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and written statement was filed by the management and following issues were framed on 7th June, 1979 :—

(1) Whether the workman lost his lien on his job by remaining absent from duty ?

(2) Whether the termination of services of the workman was justified and in order ?

(3) Relief.

3. And the case was fixed for the evidence of the management. The management examined Sardar Raghubir Singh partner as MW-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself as WW-1 and closed his case. Then the case was fixed for arguments. Arguments were heard. Briefly stating the facts of the dispute that the workman according to him was working as a helper with effect from 8th February, 1972 at Rs. 180 p. m. with the respondent management. He proceeded on leave from 8th March, 1978 to 15th March, 1978 and that when he returned on 16th March, 1978 he was not taken on duty. According to the management the workman took leave only for 8th March, 1978 and did not report for duty thereafter. They addressed him letters to return to duty but he did not come. He was then suspended and ultimately his name was removed. Now I give my findings issueswise :—

Issue No. 1.—The management examined Shri Raghubir Singh as MW-1 who stated that the workman went on leave for one day i.e. 8th March, 1978 after receiving his wages on 7th March, 1978. He thereafter did not return for duty. He was issued a notice copy Ex. M-1 by registered A. D. post. This letter was received back undelivered. Registered letter is Ex. M-2. A registered notice copy Ex. M-4 was sent at local address of the workman and then suspended him. Copies of those letters were also sent to the Labour Officer. A letter copy Ex. M-5 was again sent to the workman by registered A. D. post which was also received undelivered which is Ex. M-6. Its copy which was sent on local address was also not delivered and is Ex. M-8. Ex. M-9 and M-10 are U. P. C. from the Post Office and Ex. M-11 shows permanent and local address of the workman as given by him. In cross examination he stated that it was incorrect to suggest that the workman had gone on leave for 15 days. He also refused to admit that the workman came to join his duty on 16th March, 1978. He could not tell as to or how many days the workman was kept under suspension. He admitted that the workman was marked absent upto the month of May, 1978 and thereafter his name was not carried further. MW-1 the workman concerned stated that he was gone on leave for 15 days. When he came back he was stopped at the gate and told that he was granted only one day leave. He further stated that the management did not send him any letter and he went to join his duty on 16th March, 1978. He was a cashier of the union. Thereafter, his services were terminated. In cross examination he stated that he sent his demand notice Ex. M-12 through the union. And that he went on leave from 8th March, 1978 to 15th March 1978 for 8 days only and not for 15 days. He admitted his address given on Ex. M-11 as correct.

4. The representative for the management has argued that the workman did not reply to their call letter and letter of suspension. He further argued that the action of the management is bonafied by issuing him registered letters on the permanent and local addresses given by the workman. The letters in original are on the file. This was a case of abandonment of the job by the workman and section 2 (A) of the Industrial Disputes Act was not applicable. The representative for the workman argue that the workman had gone on 8 days leave and the endorsement of postman on re-call letter that the workman has left for his place of work showed that the workman was not at his permanent address. He further argued that this is not a case of abandonment but a misconduct and no enquiry was held and the workman has been victimised.

5. Considering the arguments and documents on the file, I find that the contention of the management is of weight. They had tried to call the workman and find out the reasons of his absence. The contention of the workman that he was at his place of work is also not tenable, because the letters sent to him by post on his local address were also received back undelivered and no satisfactory explanation was given by him. Therefore, Issue No. 1 is decided against the workman.

Issue No. 2.—As Issue No. 1 has been decided against the workman, therefore, this issue has become redundant as the services of the workman were not terminated by the management as alleged.

Issue No. 3.—The workman is not entitled to any relief.

6. While answering the reference I give my award that the management did not terminate the service of the workman rather the workman lost his lien on the job by remaining absent. The workman is not entitled to any relief.

Dated 10th June, 1980

M. C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. dated the

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 11(112)-80-3-Lab/7984.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Bhogals, Sector 24, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 224 of 1978

between

SHRI BHOLLA RAM, WORKMAN AND THE MANAGEMENT OF M/S BHOGALS,
SECTOR 24, FARIDABAD

Present—

Shri P.K. De, for the workman.
Shri J.S. Saroha, for the management.

AWARD

1. By order No. ID/32707, dated 13th July, 1978, the Governor of Haryana referred the following dispute between the management of M/s. Bhogals, Sector-24, Faridabad and its workman Shri Bholla Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Bholla Ram was justified and in order ? If not, to what relief is he entitled ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 13th June, 1979 :—

- (1) Whether the termination of services of the workman was justified and in order ?
- (2) Whether the workman is gainfully employed ?

And the case was fixed for the evidence of the management. The workman failed to present himself and adduce his evidence. His representative made a statement that he had no instructions from the workman. Hence the workman was proceeded *ex parte*. The management examined Shri Joshi Ram as M.W. 1 and Bishamber Dayal as M.W. 2 and closed their case. Then the case was fixed for arguments. Arguments were heard but *ex parte*.

I now give my findings issues-wise :—

Issue No. 1.—M.W. 1 stated that the workman came to duty in a drunken state and the workman concerned was stopped at the gate but he did not stop. Then Shri Bishamber Dayal, Supervisor, was called by him who stopped the workman from proceeding further but the workman started shouting abuses in the name of mother and sister of the Supervisor. Other workman assembled and then this workman was turned out of the gate. M.W. 2 Shri Bishamber Dayal corroborated the statement of M.W. 1 and produced documents, Exhibit M-1 to M-5. Exhibit M-1 is charge-sheet. Exhibit M-2 is reply of the charge-sheet in which the workman admitted that he was drunk on 16th January, 1978 and that he may be pardoned. Exhibit M-3 is also on the same lines. Exhibit M-4 is termination letter. In view of uncontroverted evidence of the management, I find that the termination of services of the workman was justified and in order. Therefore, I decide issue No. 1 against the workman.

Issue No. 2.—No evidence was led by the management on this issue. Therefore, this issue is decided against the management.

3. While answering the reference, I give my award that the termination of services of the workman was justified and in order. He is not entitled to any relief.

Dated the 10th June, 1980.

No. 533, dated 11th June, 1980.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 11(112)-80-3 Lab/7985.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Sartaj Industries, Link Road, Faridabad.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 93 of 1979

between

SHRI JAGRATTAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S SARTAJ
INDUSTRIES, LINK ROAD, FARIDABAD

Present—

Shri P.K. De, for the workman.
Shri A.J.S. Chadha, for the management.

AWARD

1. By order No. FD/80-78/12255, dated 16th March, 1979, the Governor of Haryana referred the following dispute between the management of M/s Sartaj Industries, Link Road, Faridabad and its workman Shri Jagrattan Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Jagrattan Singh was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 7th June, 1979 :—

- (1) Whether the workman was appointed temporarily for a fix period If so, to what effect?
- (2) Whether the workman lost his lien on his job by remaining absent?
- (3) Whether the termination of services of the workman was justified and in order?
- (4) Relief.

And the case was fixed for the evidence of the management. The management examined Shri Raghbir Singh, their partner, as M.W. 1 and closed their case. Then the case was fixed for the evidence of the workman. Three adjournments were given to the workman for adducing his evidence. On 10th June, 1980 last date for adducing evidence of the workman, his representative made a statement that the whereabouts of the workman were not known and there was no possibility of the workman coming for evidence. In these circumstances defence of the workman was closed. Then the case was fixed for arguments. Arguments were heard. I now give my findings issues-wise :—

Issue No. 1.—M.W. 1 stated that the workman was appointed on 17th November, 1977, as a helper on temporary basis for six months. He further stated that E.S.I. card at the time of appointment was filled in for this workman and the signatures were obtained in the peon book copy, Exhibit M-1. There was a remark in the peon book in ink on Exhibit M-1 at point A against the signatures of the workman "Left". He stated that the workman left his service on 4th February, 1978 and his services were not terminated. In cross examination he admitted that no letter of appointment was given to the workman. He denied the suggestion that the workman was involved in some accident on 4th February, 1978 and medical certificate was sent by him. In view of the positive statement of M.W. 1, I decide issue No. 1 in favour of the management and hold that the appointment of the workman was temporary.

Issue No. 2.—On the testimony of M.W. 1 and other evidence, issue No. 2 is decided against the workman and it is held that the workman lost his lien on the job as he left his services of his own.

Issue No. 3.—In view of my findings on issue No. 2 issue No. 3 has become redundant and is decided accordingly.

3. While answering the reference, I give my award that the workman lost his lien on his job by remaining absent. The workman is not entitled to any relief.

Dated the 10th June, 1980.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 537, dated 11th June, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 11 (112)-80-3 Lab/7986.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Karnal Co-op. Sugar Mills Ltd., Karnal.

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 459 of 1978

between

THE WORKMEN AND THE MANAGEMENT OF M/S KARNAL CO-OP. SUGAR MILLS
LTD., KARNAL

Present—

Shri Ishwar Singh, for the workmen.
Shri Surinder Kaushal, for the management.

AWARD

1. By order No. ID/KNL/63-78/43385, dated 28th September, 1978, the Governor of Haryana referred the following disputes between the management of M/s Karnal Co-op. Sugar Mills Ltd., Karnal and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

(1) Whether the seasonal workmen are entitled to any wages during off-season ? If so, with what details ?

(2) Whether the officials employed in connection with the purchase of cane are entitled to the grant of conveyance allowance ? If so, with what details ?

(3) Whether the workmen are entitled to the grant of any incentive/production bonus for the year 1976-77 ? If so, with what details ?

(4) Whether the technical staff should be supplied with uniforms ? If so, with what details ?

(5) Whether the workmen are entitled to the grant of house rent allowance ? If so, with what details ?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 6th March, 1979 :—

(1) Whether the demand has been espoused by a substantial number of workmen ?

(2) Whether the seasonal workmen are entitled to any wages during off-season ? If so, with what details ?

(3) Whether the officials employed in connection with the purchase of cane are entitled to the grant of conveyance allowance ? If so, with what details ?

(4) Whether the workmen are entitled to the grant of any incentive/production bonus for the year 1976-77 ? If so, with what details ?

(5) Whether the technical staff should be supplied with uniforms ? If so, with what details ?

(6) Whether the workmen are entitled to the grant of house rent allowance ? If so, with what details ?

Then the case was fixed for the evidence of the workmen. The workmen requested for adjournment to produce their evidence and the case was fixed for the evidence of the workmen on 25th April, 1980. This was to be the last opportunity. On the next date there was none present for the workmen and they were proceeded *ex parte*. *Ex parte* evidence of the management was recorded. Shri Gobind Lal, General Assistant of the management, appeared as M.W. 1. He stated that there were heavy losses in the factory which was running in its infancy. The losses had run into crores of rupees. Even otherwise they are paying off-season allowance to the workmen. The workmen employed in connection with the purchase of cane were also paid conveyance allowance at different rates. He further stated that they are providing uniforms to Helpers, Fitters, Khalasi, Hammermer, Oilmen and other technical staff. House rent allowance has also been paid to the workmen who are not provided with accommodation. On the issue of bonus he stated that as the factory was under heavy losses so they were not in a position to pay bonus to the workmen.

3. I believe in the *ex parte* statement of the management and give my award disputes-wise :—

Dispute No. 1.—That the seasonal workmen are being paid off season allowance.

Dispute No. 2.—That officials appointed in connection with the purchase of cane are being paid conveyance allowances.

Dispute No. 3.—That the workmen are not entitled to the grant of any incentive/production bonus for the year, 1976-77.

Dispute No. 4.—That the technical staff is being supplied with uniforms.

Dispute No. 5.—That the workmen are being granted house rent allowance where no accommodation was given to them.

Dated the 10th June, 1980.

M.C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

No. 540, dated 11th June, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.